



North Carolina Department of Environment and Natural Resources
Division of Waste Management

Beverly Eaves Perdue
Governor

Dexter R. Matthews
Director

Dee Freeman
Secretary

August 31, 2012

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
70103090000262478227

James Adams, Jr.
Organics Recycling
c/o Millridge Companies
822 S. White Street
Wake Forest, NC 27587

SUBJECT: **Notice of Violation**
Organics Recycling
35-03T
Franklin County, NC

Dear Mr. Adams:

On August 17, 2012, Mary Whaley, representing the State of North Carolina, Division of Waste Management Solid Waste Section, inspected the above referenced facility for compliance with North Carolina solid waste statutes and rules. Denise Puett was present at the Office trailer, and represented Organics Recycling during this inspection. The following violations were noted:

A. 15A NCAC 13B .0201

- (a) No person shall treat, process, store, or dispose of solid waste or arrange for the treatment, processing, storage or disposal of solid waste except at a solid waste management facility permitted by the Division for such activity, except as provided in G.S. 130A-294(b).*
- (b) No person shall cause, suffer, allow, or permit the treatment, storage, or processing of solid waste upon any real or personal property owned, operated, leased, or in any way controlled by that person without first obtaining a permit for a solid waste management facility from the Division authorizing such activity, except as provided in G.S. 130A-294(b).*
- (c) No solid waste management facility shall be established, operated, maintained, constructed, expanded or modified without an appropriate and currently valid permit issued by the Division. It is the responsibility of every owner and operator of a proposed solid waste management facility to apply for a permit for the facility. The term "owner" shall*

include record owners of the land where the facility is located or proposed to be located and holders of any leasehold interest, however denominated, in any part of the land or structures where the facility is located or proposed to be located.

The Facility is operating without a permit. The permit expired on March 13, 2011.

COMPLIANCE SCHEDULE

Based upon the foregoing, Organics Recycling shall cease accepting waste and implement a plan to process or remove all waste on the property. Within 30 days of receipt of this Notice of Violation, a plan must be submitted to the Solid Waste Section that includes a schedule for compliance. The plan must include a schedule for removal, a complete permit application or both. Please be advised that the Solid Waste Section will not issue a permit until the site is brought into compliance with the old permit and rules, as a minimum.

Organics Recycling shall provide a written certification with supporting documentation on company letterhead that explains the reason for non-compliance with the North Carolina Administrative Code and General Statutes. Correspondence can be made to Mary Whaley, PO Box 59, Oxford, NC 27565, by the noted compliance date.

Failure to comply with this schedule may subject the facility and/or all responsible parties to enforcement actions including penalties, injunction from operation of a solid waste management facility or a solid waste collection service and any such further relief as may be necessary to achieve compliance with the North Carolina Solid Waste Management Act and Rules. Pursuant to N.C.G.S. 130A-22(a) and 15A NCAC 13B .0701-.0707, an administrative penalty of up to \$15,000.00 per day may be assessed for each violation of the Solid Waste Laws, Regulations, Conditions of a Permit, or an Order issued under Article 9 of Chapter 130A of the N.C. General Statutes.

If you have any questions please contact me at 919-693-5023 or e-mail mary.whaley@ncdenr.gov .

Sincerely,



Mary Whaley
Environmental Senior Specialist
Solid Waste Section

Cc: Mark Poindexter, Field Operations Branch Head
Dennis Shackelford, Eastern District Supervisor
Ed Mussler, Permitting Branch Head
Christine Ritter, Hydrogeologist
Jessica Montie, Compliance Officer

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